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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------|------------------|
| 10/003,574   | 10/24/2001  | Hannu Kuoksa         | 33047/240187          | 5083             |
| 826  | 7590        | 11/02/2004           | EXAMINER              |                  |
| ALSTON & BIRD LLP<br>BANK OF AMERICA PLAZA<br>101 SOUTH TRYON STREET, SUITE 4000<br>CHARLOTTE, NC 28280-4000 |             |                      | HENDRICKSON, STUART L |                  |
|  |             |                      | ART UNIT              | PAPER NUMBER     |
|  |             |                      | 1754                  |                  |

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10608574

Applicant(s)

Kudka

Examiner

Hedrickson

Group Art Unit

1784

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 9/16/04
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-13, 14, 15, 26 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-12, 14, 15, 26 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 7 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

A) In claim 7, changing the model is not supported. Indeed, it appears to be hard-wired from the start so it is not seen how it could be accomplished. According to the specification, it is the process that changes not the model.

B) There is no disclosure of how to calculate the 'coefficient' of claim 11.

Claims 1-12, 14, 15 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baines taken with Mosow.

Baines teaches in columns 5 and 9 computer control of a causticization process. The computer can monitor any parameter characteristic of the system and send via a feedback loop controls to other inputs to achieve a stable reaction system. The only differences seen between this and the claims is what variables are monitored. Musow teaches in columns 2 and 4 that each system can have a different variable measured, like titratable alkali or density.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to monitor the density or alkali in the process of Baines because doing so asserts control over the process for monitoring for optimum results. Note that in general, processes can be optimized (In re Boesch 205 USPQ 215) and that automating a process is an obvious expedient (In re Venner et al. 120 USPQ 192). The workings of how the computer makes calculations (claims 8, 12, 14) is deemed conventional as to how computer control programs work- see Baines column 9. Choosing coefficients which accurately model reality is an obvious expedient, to assure efficiency.

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Applicant's arguments filed 9/16/04 have been fully considered but they are not persuasive. It appears that the claimed process is one step, not two because the carbonate is already present. The last step of 'controlling' the green liquor density is actually merely a step of feeding in the lime- it is the density of the solution mix which is thus controlled, not the density of the green liquor. Therefore, applicant is not really measuring the input stream; rather, applicant measures the reaction mix. The argument that the measurement is different is not persuasive. The reactions are the same in applicant's system as in the applied art. If the monitoring is different, apparently applicant has simply chosen the indirect method (said by Mosow to be inefficient) of monitoring the process, however this is an obvious expedient given that it is recited by the art as an option. The references are combinable as they are drawn to the same system.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.



Stuart Hendrickson  
examiner Art Unit 1754